

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

GREGG SMITH, and
MICHAEL NOWAK

Defendants.

Case No. 19-cr-669

Hon. Edmond E. Chang

**DEFENDANT GREGG SMITH'S MOTION FOR LEAVE TO FILE UNDER SEAL
EXHIBITS IN SUPPORT OF HIS SENTENCING MEMORANDUM**

Defendant Gregg Smith, by and through his undersigned counsel, respectfully submits this motion for leave to file under seal Exhibits E, M, and O attached to the Declaration of Jonathan D. Cogan in support of his Sentencing Memorandum. In support of this motion, we state as follows:

1. The Motion is accompanied by Exhibit E, which is an FBI Form FD-302 summarizing a May 17, 2022, FBI Interview of Armand Nakkab, Exhibit M, which is an FBI Form FD-302 summarizing a June 17, 2022, FBI interview of Armand Nakkab, and Exhibit O, which is an FBI Form FD-302 summarizing a May 30, 2019, FBI interview with Corey Flaum.

2. These exhibits should be filed under seal because they have not previously been made public and were not received into evidence during the trial. If published, they could prejudice Mr. Smith if he is later granted a new trial.

3. The Court previously granted Defendants' unopposed requests to file other FBI reports of witness interviews under seal on August 5, 2021 (ECF No. 330) and October 11, 2022 (ECF No. 712).

WHEREFORE, for the reasons stated above, Mr. Smith respectfully asks that the Court allow him to file under seal the above-referenced exhibits to his Sentencing Memorandum.

Dated: April 10, 2023

Respectfully submitted,

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